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REMARKS

Claims 51-56 are pending in the present application. Claim 51 has been amended. No claims have been added or canceled hereby. The remarks below support applicant's assertion that these claims distinguish over the cited prior art, and are therefore in condition for allowance.

35 U.S.C. § 102(e)

Claims 51-56 have been rejected under 35 U.S.C. 102(e) as being anticipated by USP 6,297,819 to Furst. It is asserted in the Office Action that each limitation is each of claims 51-56 is taught by Furst. Applicant offers the following remarks in response to this rejection.

As a brief introduction to applicant's arguments, it should be noted that claim 51, the sole independent claim pending in this case, includes the step of providing to a computing device, information specifically designed for displaying content independent of a browser program. The information includes instructions usable by a computing device to present a frame and controls specifically designed to content. The information essentially defines the appearance and operation of the frame. The information also includes an address from which said content can be retrieved. One of the key ideas behind this claim is that a user may request a browser independent display window (i.e., such window specifically designed to display web content outside of a window of a conventional web browser), and by simply identifying and requesting the browser independent display window, operational elements required to render and populate that window may be assembled and transmitted to the computing device.

This may be contrasted with the teachings of Furst. According to Furst, a program is downloaded and installed on the user's computer (col. 4, lines 42-46, all column and line references are to the Furst patent). However, this software is coupled to the user's web

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browser application visually (e.g., Fig. 5) and logically (col. 5, lines 12-20). Windows or icons (e.g., Fig. 5, elements 502 – 508) are rendered for the operation of “application-specific services” related to the user’s interactions with the web browser, those application-specific services operating on core servers (col. 2, lines 13-22).

Several important distinctions now become apparent, particularly with reference to claim 51. First, while the present invention provides instructions specifically designed to display content independent of a web browser program (claim 51, line 7, as amended), Furst discloses a system which is dependent upon and connected, visually or logically, a web browser. Among the many statements demonstrating the dependence upon a web browser, Furst states that “The core functionality is provided by one or more servers...and a client program running on the user’s computer that interacts with the user’s running web browser...” (col. 2, lines 13-17, emphasis added) and furthermore that “The client 124 is essentially a thin shell for an embedded web browser, whose function is to display web pages sent by the System or by component application tools” (col. 4, lines 63-65, emphasis added). By providing a mechanism for the delivery of information for rendering web content independent of a web browser, the present invention overcomes a fundamental hurdle in enabling improved content development and delivery as well as ease of access and use of such content. Prior efforts to deliver web content have, like Furst, been constrained, logically and visually, by the limited design freedom, code overhead, performance delays, and other disadvantages necessitated by dependence on a conventional web browser application.

Second, while the present invention is directed to a method of providing content to the user, there is essentially nothing said in Furst about the method of delivering its applications, and the interfaces through which the user interacts with those applications. While Furst

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provides details about the client software, it effectively says nothing about how such software may be provided to a user. The only relevant reference located by the undersigned is at col. 4, lines 42-46, which simply states that the client software must be installed (by a conventional web browser download and installation process) and registered. Contrary to the assertion made in the Office Action, col. 4, lines 22-62 do not explain how a server receives a request from a user. This distinction is critical. In contrast, the present invention clearly teaches a method where content providers can provide users access and the ability to download to a device instructions and an address (i.e., as claimed in claim 51, lines 5-8) in order to view the provider's content. The prior art, Furst included, requires much more involved processes and software be resident and operating on the users computer to accomplish the same task.

Third, the present invention provides instructions together with an address from which content may be retrieved for display. The instructions which render a frame and the content retrievable from the address provided do not depend on the context of external applications to operate. To the contrary, Furst must obtain the URL at which a user is currently browsing in order to identify which content is appropriate for its applications. For example, Furst states that "as the user is browsing the web, the client listens to the browsing requests made by the user" (col. 5, lines 42-44), and then initiates the application on the server if one of a set of URLs is observed. In other words, the applications of Furst are not provided to the user with an association to a content location ("an address from which said certain web content can be retrieved" per claim 51), but rather are dependent for their operation upon the location information dynamically provided by the user's browser.

Contrary to the assertion in the Office Action, col. 7, line 8 through col. 8 line 4, col. 9, lines 40-47, and col. 10, lines 37-41, Furst does not provide the information for rendering the

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display together with an address for content. In some applications, such as that referred to in the cited col. 10, lines 37-41, the application tool may obtain URLs from past user activity, such as a browsing history or designated "favorite" URLs, but these URLs are not provided together with the application when the application is downloaded. Again, Furst depends upon the user activity in order to define the URL for each application. This dependence prevents a content provider from simply developing an appropriate or otherwise preferred or customized frame for its content, then providing that frame and an address for the content in a convenient, bundled package. And it prevents a user from simply obtaining such a package and simply causing the information obtained to render a frame and populate it with the appropriate content. The present invention, as claimed, address these very shortcomings.

Furthermore, with regard to claim 52, "at least a portion of the information [provided by the server] further comprises instructions for invoking a first process, resident on said computing device when invoked" (claim 52, lines 2-3). That is, according to one aspect of the present invention, applications are provided which run on a computing device. According to Furst, all applications operate at remote servers ("a client program...interacts with the ...core servers" col 2, lines 14-17, and "All data is stored on database servers. Only HTML cookies are placed on the user's computer." Col. 5, lines 33-35.) Through its stated dependence on servers, Furst expressly precludes operating applications on the user's computer. This dependence on servers increases the complexity and latency of the running applications, a problem which is addressed by the present invention.

It is well established that "[a] claim is anticipated [under 35 U.S.C. § 102] only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." Verdegaal Bros. v. Union Oil Co. of California, 2 U.S.P.Q.2d 1051,

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1053 (Fed. Cir. 1987). See M.P.E.P. § 2131. For at least the reasons that Furst fails to teach or suggest each of the features of the claimed invention noted above, claim 51 and all claims which depend therefrom, are clearly allowable over that reference. In addition, since Furst fails to teach or suggest each of the features of claim 52 noted above, it is further clearly allowable over that reference.

Applicant has not addressed the assertions in the Office Action regard claims 53-56 herein, as it is asserted that those claims depend from a claim which itself is allowable over the cited reference. Applicant reserves directly addressing those assertions, if needed, for a later date. However, as claims 51 and 52 have been shown to be patentably distinct from Furst, and claims 52-56 depend from claim 51, all claims of the present application should therefore be patentably distinct from Furst.

Conclusion


For the foregoing reasons, the present application is thought to be clearly in condition for allowance. Accordingly, favorable reconsideration and issuance of a formal Notice of Allowance for this application in light of the amendments and remarks provided above is respectfully requested.

By action taken here, Applicant in no way intends to or causes any surrender of any subject matter or range of equivalents beyond that strictly required to patentably distinguish the claimed invention as a whole over the prior art. Applicant expressly reserves without dedication all such subject matter and equivalents that may fall in the range between Applicant's literal claim recitations and combinations taught or suggested by the prior art.

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If the Examiner believes that a telephone conference would expedite prosecution and allowance of this application, please telephone the undersigned at 650-941-4470.

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Date: September 18, 2006

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